704174.9
Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	Group Art Unit: 3763
)	
Brian K. Courtney et al.)	Examiner: Lina Kontos
)	
Serial No.: 09/872,068)	
)	
Filed: May 31, 2001)	
)	
For: EMBOLIZATION PROTECTION)	
SYSTEM FOR VASCULAR PROCEDURES)	
)	

AMENDMENT AFTER FINAL PURSUANT TO 37 CFR § 1.116 AND RESPONSE

MAIL STOP AMENDMENT AFTER FINAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated March 22, 2004, Applicant submits this

amendment and response under 37 CFR § 1.116. The following amendments address the issues

raised in the final office action regarding the disclosure of Johansson et al. US 2001/0039411 A1

under both § 102(e) and § 103(a). The final action was the first citation of this reference or any

member of the related family of references. Accordingly, the issues of the disclosure of this

reference and the applicability to the pending claims was first raised in the final office action and

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CERTIFICATE OF FACSIMILE

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being faxed to Examiner Lina Kontos
at 703/872-9402 at the United States Patent and Trademark Office, Commissioner for Patents, P. O. Box 1450, Alexandria, VA
22313-1450

Date of Faxing: May 7, 2004   Lynne Fulmer
DOCSOC1:150317.1
704174-9 K2M

could not have been addressed previously. Therefore, the following amendments are proper at this

stage and Applicants respectfully request entry of these amendments or withdrawal of the finality of

the last office action. Because the final office action contained only prior art-based rejections using

Johansson et al., or as the sole reference under § 102(e), or as the primary reference for a § 103(a)

rejection, and because the following amendment distinguishes Johansson et al. and thereby

transverses the only rejections pending, applicants submit that the present amendment places the

claims in condition for allowance and is also proper at this stage on that basis.

     Please amend the application as follows: